

BEFORE THE
DIVISION OF MEDICAL QUALITY
BOARD OF MEDICAL QUALITY ASSURANCE
DEPARTMENT OF CONSUMER AFFAIRS
STATE OF CALIFORNIA

In the Matter of the Petition)
for Modification of Probation of:)

LOUIS J. PRENDERGAST, M.D.)
1229 Pajaro Street)
Salinas, CA 93901)

OAH NO. N-29550

Petitioner.)
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)

DECISION

This matter was heard before a panel of the Fourth District Medical Quality Review Committee, comprised of the following members: Lloyd V. Dickey, D.D.S.; Anna Marie Guth, public member; Jean S. Martin, public member; John D. Dooley, M.D.; Eugenio A. Zarate, M.D.; Harry Newman, M.D.; and Gilbert A. Webb, M.D., Chairperson, on July 30, 1987 at San Francisco, California. Catherine B. Frink, Administrative Law Judge, Office of Administrative Hearings, presided.

Harriet Hirsch, Deputy Attorney General, represented the Department of Justice.

Petitioner was present and represented himself.

Evidence was received, the hearing was closed and the matter was submitted.

FINDINGS OF FACT

I

Physician and surgeon certificate No. C-16919 was issued to Louis J. Prendergast, M.D. (hereinafter "petitioner") on June 10, 1955.

II

In prior proceedings before the Board of Medical Quality Assurance, in a decision effective January 30, 1978, petitioner was placed on ten years probation for matters

related to alcohol abuse and drunk driving convictions. Effective August 1, 1979, for additional matters of alcohol and substance abuse, petitioner's probation was continued and a term of such probation included a one year actual suspension. Effective July 23, 1981, by stipulation, petitioner's license was revoked for violation of then existing probationary terms. In a petition matter heard on June 21, 1984, petitioner's physician and surgeon certificate was reinstated effective August 8, 1984 and petitioner was placed on ten years probation with various conditions. In a subsequent petition for modification of probation heard on March 6, 1986, petitioner requested that the Board modify the terms of his probation and permit him to perform surgery without having a urologist physically present to monitor all surgical procedures. Said petition was denied, effective April 30, 1986. On May 1, 1987, petitioner filed his petition for modification of probation in the present matter.

III

Petitioner seeks modification of the probationary condition requiring that he have a qualified urologist physically present to monitor all surgical procedures. Petitioner has completed approximately three years of his ten year probationary period and has fully complied with all conditions of probation. Petitioner is currently employed at Natividad Medical Center in Salinas, California. Petitioner is not requesting that he be permitted to work in an unsupervised setting, but only that such supervision be performed by someone other than a urologist.

DETERMINATION OF ISSUES

It would not be against the public interest to modify the probationary terms of Louis J. Prendergast, M.D., as set forth in the Order below.

ORDER

I

The petition of Louis J. Prendergast, M.D., for modification of probation is granted.


II

Paragraph I of petitioner's terms and conditions of probation is modified to read as follows:

"Petitioner shall have a member of the surgical department physically present to monitor any surgical procedure and make observations that petitioner is demonstrating capability and good judgment in his performance. The monitor shall be approved, in advance, by the hospital in which the surgery is being performed. Monitorship shall continue for the entire period of probation."

DATED: September 1, 1987

The Decision shall become effective on September 30, 1987.



GILBERT A. WEBB, M.D.
Chairperson

GAW:CBF:lhj